

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----	X	
B.B., an infant over the age of 14 years, by	:	
his mother and natural guardian, GINA	:	Case No. 1:21-cv-00326-KAM-LB
SGARLATO-BENFANTE and GINA	:	
SGARLATO-BENFANTE, individually,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
RING LLC and AMAZON.COM, INC.,	:	
	:	
Defendants.	:	
	:	
-----	X	

**JOINT STIPULATION AND [PROPOSED] ORDER TO DISMISS THE ACTION IN
FAVOR OF BINDING ARBITRATION**

WHEREAS, on or about December 11, 2020, Plaintiffs B.B. (an infant over the age of 14 years, by his mother and natural guardian, Gina Sgarlato-Benfante) and Gina Sgarlato-Benfante (“Plaintiffs”) commenced an action against Defendants Ring LLC (“Ring”) and Amazon.com, Inc. (“Amazon”) (collectively, “Defendants”), entitled *B.B. an infant over the age of 14 years, by his mother and natural guardian, Gina Sgarlato-Benfante, and Gina Sgarlato-Benfante*, Index No. 152356/2020, in the Supreme Court of the State of New York, County of Richmond by filing a Summons and Complaint (ECF 2-1);

WHEREAS, on January 20, 2021, Defendants timely removed the action (this “Action”) to this Court under 28 U.S.C. § 1441(b), based on this Court’s diversity jurisdiction under 28 U.S.C. § 1332, because the parties have complete diversity and the amount in controversy exceeds \$75,000 (ECF 1 – 4);

WHEREAS, on January 22, 2021, Defendants filed an unopposed letter-motion to extend their time to respond to Plaintiffs' Complaint until and including February 19, 2021 (ECF 7), and this Court granted that motion on February 2, 2021;

WHEREAS, the parties agree that all claims in this Action must be resolved by binding arbitration pursuant to Ring's Terms of Service and the Judicial Arbitration and Mediation Services, Inc. ("JAMS") Streamlined Arbitration Rules (the "JAMS Rules"); and

WHEREAS, on February 16, 2021, Magistrate Judge Bloom held an initial conference in this Action and subsequently entered a Scheduling Order setting February 23, 2021 as the date by which the parties must file a stipulation to arbitrate this matter and voluntarily dismiss the case without prejudice.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by all parties through their respective counsel of record, that:

1. All claims alleged in this Action, and all issues arising in connection with those claims, shall be resolved to a final conclusion in accordance with Ring's Terms of Service, through an arbitration proceeding administered by JAMS under the JAMS Rules.

2. This Action shall be dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure without costs or attorneys' fees.

STIPULATED AND AGREED TO:

Dated: February 17, 2021

MORGAN, LEWIS & BOCKIUS LLP

SGARLATO & SGARLATO, PLLC

By /s/ Gregory T. Parks

Gregory T. Parks (admitted *pro hac vice*)
1701 Market Street
Philadelphia, PA 19103
Phone: (215) 963-5000
Email: gregory.parks@morganlewis.com

Regina Schaffer-Goldman
101 Park Avenue
New York, NY 10178
Phone: (212) 309-6000
Email: regina.schaffer-goldman@morganlewis.com

*Attorneys for Defendants Ring LLC and
Amazon.com, Inc.*

By /s/ Michael D. Fitzgerald

Michael D. Fitzgerald
1444 Clove Road
Staten Island, New York 10301
Phone: (718) 273-7900
Fax: (718) 273-9629
Email: mfitzgerald@sgarlatolaw.com

*Attorneys for Plaintiffs B.B., an infant over
the age of 14 years, by his mother and
natural guardian, Gina Sgarlato-Benfante,
and Gina Sgarlato-Benfante*

IT IS SO ORDERED:

Dated February __, 2021

The Honorable Kiyo A. Matsumoto
United States District Judge